THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.21373 of 2005

Date:15.11.2005

B.V.Swamy.

----------Petitioner

The A.P State Road Transport Corporation and others

----------Respondents

ORDER:

The petitioner worked as a Depot Clerk in the Kurnool Depot, 3rd respondent herein, and retired from service on 29.09.2003 under Voluntary Retirement Scheme. After his retirement, he was issued two charge sheets. In the charge sheet, dated 24.10.2003, it was pointed out that in the ticket tray handled by him, tickets worth Rs.14,800/- were lost, and the petitioner was required to show cause as to why the said amount shall not be recovered from him. In another charge sheet, dated 29.10.2004, similar lapse in relation to ticket blocks worth Rs.1946/- was pointed out. The petitioner submitted his explanations to both the charge sheets. Thereafter, the 3rd respondent passed two separate orders, dated 04.03.2004 and 23.02.2005, directing recovery of the amounts indicated in the respective charge sheets. The petitioner challenges the same.

Sri P.Govinda Rajulu, the learned counsel for the petitioner submits that the action of the respondents in proposing to recover the amounts referred to above cannot be sustained in law. He contends that the said proceedings were initiated after the petitioner retired from service and at any rate, even assuming that the ticket blocks were lost in the hands of the petitioner, the respondents can recover the cost of the paper and the printing charges of the tickets, but not the value thereof. He placed reliance upon a Judgment of this Court in ***Ch.P.Reddy v A.P.S.R.T.C. and another*** and an unreported Judgment of this Court in W.P.No.8577 of 2005 between ***J.Nageswara Rao & The Depot***

Manager, APSRTC, Udayagiri Depot, dated 19.04.2005.

Sri P.Vinayaka Swamy, the learned Standing Counsel for the respondents-Corporation, on the other hand, submits that the petitioner did not offer any plausible explanation for the lapse on his part and that no exception can be taken to the impugned orders.

The petitioner does not dispute the fact that the ticket blocks referred to above were missed from his custody. Having regard to the size of the Corporation and the number of services it operates, occurrence of such incidents is not uncommon. After discussion with Unions, it was agreed by the respondents-Corporation itself that in such instances, the printing charges of the tickets and not the value thereof, are liable to be recovered. To this extent, Clauses 40.06 and 40.07 were added in the Operation Manual. In ***Ch.P.Reddy'***s case, this Court held that the Corporation is entitled to recover the printing charges and not the value of the tickets. The same has been followed in certain other cases also.

Hence, the Writ Petition is partly allowed, directing that the respondents-Corporation shall be entitled to recover the printing charges of the ticket blocks lost in the hands of the petitioner, and not the value thereof. It is further directed that the petitioner shall be liable to pay a sum of Rs.500/- towards penalty for his negligence that resulted in the loss of tickets. The respondents-Corporation shall release the balance amount to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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15.11.2005

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